

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,	§ § § § § § § § § § §	Case No.
Plaintiff,		<u>JURY TRIAL DEMANDED</u>
v.		
WHATSAPP, INC.,		
Defendant.		

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this original Complaint against Defendant WhatsApp, Inc. (“WhatsApp” or “Defendant”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff AGIS Software is a limited liability company organized and existing under the laws of the State of Texas, and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 7,031,728, 7,630,724, 9,408,055, 9,445,251, 9,467,838, and 9,749,829 (the “Patents-in-Suit”).

2. Defendant WhatsApp is a Delaware corporation and maintains its principal place of business at 1 Hacker Way, Menlo Park, California 94025 and 1601 Willow Avenue, Menlo Park, California 94025. WhatsApp may be served with process via its registered agent, CT Corporation System at 211 East 7th Street, Suite 620, Austin, Texas 78701. Upon information and belief, WhatsApp does business in Texas and offers its products and/or services, including

those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas. WhatsApp has a data center located in the District with an address at 4500 Like Way, Fort Worth, TX 76177 and pays taxes in the District to Denton County for its Like Way data center.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. This Court has personal jurisdiction over WhatsApp in this action because WhatsApp has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over WhatsApp would not offend traditional notions of fair play and substantial justice. WhatsApp conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). WhatsApp is registered to do business in Texas through its parent Facebook LLC and, upon information and belief, WhatsApp has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. WhatsApp has regular and established places of business and is deemed to reside in this Judicial District. Venue is proper at least because WhatsApp maintains a regular and established place of

business in this Judicial District, including its Like Way data center located in the District with an address at 4500 Like Way, Fort Worth, Texas 76177. The Like Way data center is a physical location of WhatsApp in this District, from which WhatsApp agents and/or employees conduct its business. WhatsApp is a multinational technology company that collects, stores, organizes, and distributes data and enables communications for its customers in the District. WhatsApp provides ways for its customers in the District to communicate with other WhatsApp users including through messages, voice and video calls, sending images and video, showing their status, and sharing their location with others in the District.

<https://www.whatsapp.com/legal/updates/terms-of-service/?lang=en>. WhatsApp provides a convenient platform that enables customers in the District to send and receive money to or from other users across the WhatsApp platform. *Id.* WhatsApp works with partners, service providers, and affiliated companies to help us provide ways for customers in the District to connect with their services. *Id.* To operate its global Services, WhatsApp uses its global infrastructure to store and distribute content and information in data centers and systems, including the Like Way data center. *Id.* Use of the Like Way data center is necessary and essential to provide WhatsApp's services. *Id.* According to Denton County tax records (<https://www.dentoncounty.gov/841/Search-Property-Tax-Records>), WhatsApp pays taxes in the District to Denton County for its Like Way data center.

6. WhatsApp further has a physical addresses in Texas at 607 West 3rd Street, Austin, Texas 78701 and 300 West Sixth Street, Austin, Texas 78701. On information and belief, WhatsApp has a hub for employees physically located and working in the District, such as in Plano, Texas and Allen, Texas.

PATENTS-IN-SUIT

7. On August 2, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,408,055 (the “’055 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’055 Patent is attached hereto as Exhibit A.

8. On September 13, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’251 Patent is attached hereto as Exhibit B.

9. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’838 Patent is attached hereto as Exhibit C.

10. On August 29, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,749,829 (the “’829 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’829 Patent is attached hereto as Exhibit D.

11. On December 8, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,630,724 (the “’724 Patent”) entitled “Method of Providing a Cellular Phone/PDA Communication System.” A true and correct copy of the ’724 Patent is attached hereto as Exhibit E.

12. On April 18, 2006, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,031,728 (the “’728 Patent”) entitled “Cellular Phone/PDA

Communication System.” A true and correct copy of the ’728 Patent is attached hereto as Exhibit F.

FACTUAL ALLEGATIONS

13. Malcolm K. “Cap” Beyer, Jr., a graduate of the United States Naval Academy and a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS patent portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS, Inc.”) shortly after the September 11, 2001 terrorist attacks because he believed that many first responder and civilian lives could have been saved through the implementation of a better communication system. He envisioned and developed a new communication system that would use integrated software and hardware components on mobile devices to give users situational awareness superior to systems provided by conventional military and first responder radio systems.

14. AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing provides first responders, law enforcement, and military personnel with what is essentially a tactical operations center built into hand-held mobile devices. Using GPS-based location technology and existing or special-purpose cellular communication networks, LifeRing users can exchange location, heading, speed, and other information with other members of a group, view each other’s locations on maps and satellite images, and rapidly communicate and coordinate their efforts.

15. AGIS Software licenses its patent portfolio, including the ’728, ’724, ’055, ’251, ’838, and ’829 Patents, to AGIS, Inc. AGIS, Inc. has marked its products accordingly. AGIS Software and all previous assignees of the Patents-in-Suit have complied with the requirements of 35 U.S.C. § 287(a).

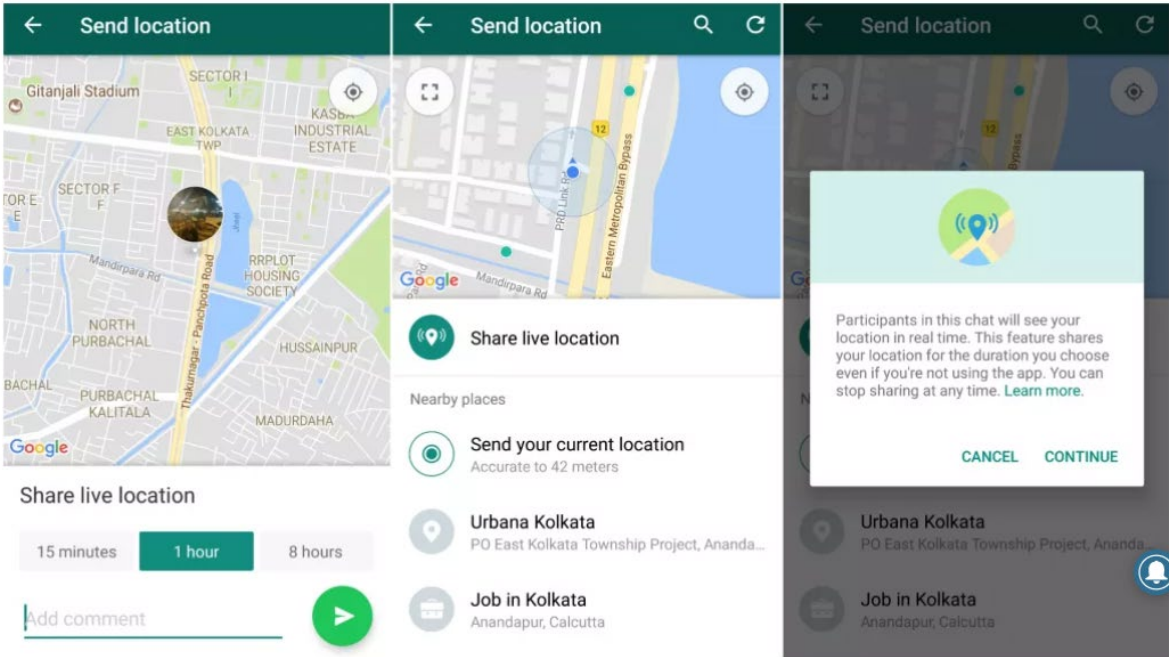
16. WhatsApp has manufactured, used, distributed, sold, offered for sale, and/or exported from and imported into the United States products and software that infringe the Patents-in-Suit, *e.g.*, the WhatsApp and WhatsApp Messenger Applications and the related services and/or servers for the applications (collectively, “the Accused Products”). The Accused Products infringe each of the Patents-in-Suit.¹

17. The Accused Products include functionalities that allow users to form and/or join networks or groups, share and view locations with other users, display symbols corresponding to locations (including locations of other users) on a map, and communicate with other users via text, voice, and multimedia-based communication. Additionally, the Accused Products include functionalities to allow users to form and/or join networks or groups to communicate with other users. The Accused Products include the functionalities to display map information, including symbols corresponding with users, entities, and locations. The Accused Products include functionalities to enable communications, such as voice calls between users. The Accused Products practice the claims of the Patents-in-Suit to improve user’ communications experiences and to improve WhatsApp’s position in the market.

18. For example, the WhatsApp Application enables devices to form and/or join location sharing groups. As shown below, the WhatsApp Application displays a selectable map display and generates symbols corresponding with the locations of other users.² Users may call, message, and communicate with other users using the Accused Products. Users may be added or invited to a group based on a link sent via email and/or SMS.

¹ See <https://www.whatsapp.com/>

² See <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>;
<https://blog.whatsapp.com/share-your-live-location>



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³ <https://www.techradar.com/how-to/how-to-share-live-location-in-whatsapp>;
<https://www.techradar.com/how-to/how-to-share-location-on-whatsapp>



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COUNT I **(Infringement of the '055 Patent)**

19. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

20. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '055 Patent.

21. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '055 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '055 Patent including, but not limited to, the Accused Products.

⁴<https://blog.whatsapp.com/share-your-live-location;>
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

22. Defendant has and continues to directly infringe at least claim 8 of the '055 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

23. Defendant has and continues to indirectly infringe at least claim 8 of the '055 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '055 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '055 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to knowingly and intentionally induce direct infringement of the '055 Patent in violation of 35 U.S.C. § 271(b).

24. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 8 of the '055 Patent in the United States because Defendant's customers use the Accused Products, including at least the WhatsApp Application, alone and in conjunction with additional Accused Products and/or services, in accordance with Defendant's instructions and thereby directly infringe at least claim 8 of the '055 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '055 Patent under 35 U.S.C. § 271(b).

25. Defendant has directly and indirectly infringed at least claim 8 of the '055 Patent by practicing a method comprising performing by a first device: obtaining contact information of a plurality of second devices, wherein the contact information comprises respective telephone numbers of the second devices; facilitating initiation of Internet Protocol (IP) based communication between the first device and the respective second devices by using respective telephone numbers to send, from the first device to the second devices, respective Short Message Service (SMS) messages including a telephone number of the first device and information usable by the respective second device to send IP-based communication to the first device; receiving respective IP-based responses to the SMS messages, wherein the IP-based responses to the SMS messages include location information of the respective second devices; transmitting IP-based messages including a location of the first device to the respective second devices; presenting, via an interactive display of the first device, an interactive map and a plurality of user selectable symbols corresponding to the plurality of second devices, wherein the symbols are positioned on the map at respective positions corresponding to the respective locations of the second devices; identifying user interaction with the interactive display selecting one or more of the user-selectable symbols corresponding to one or more of the second devices and user interaction with the display specifying an action and, based thereon, sending data to the one or more second devices; receiving user input via user interaction with the interactive display of the first device, the user input specifying a location and a symbol corresponding to an entity other than the first device and the second devices; based on the user input, adding the user-specified symbol to the interactive display at a position on the interactive map corresponding to the user-specified location, and transmitting the user-specified symbol and location to the second devices for addition of the user-specified symbol to respective interactive displays of the second devices at

respective positions on respective interactive maps corresponding to the user-specified location; wherein the first device is a cellular phone or a personal digital assistant (PDA).

26. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

27. For example, The WhatsApp Application allows users to establish groups and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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28. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

⁵ <https://blog.whatsapp.com/share-your-live-location;>
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

29. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

30. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another family member to a group via SMS.

31. For example, the WhatsApp Application is programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.

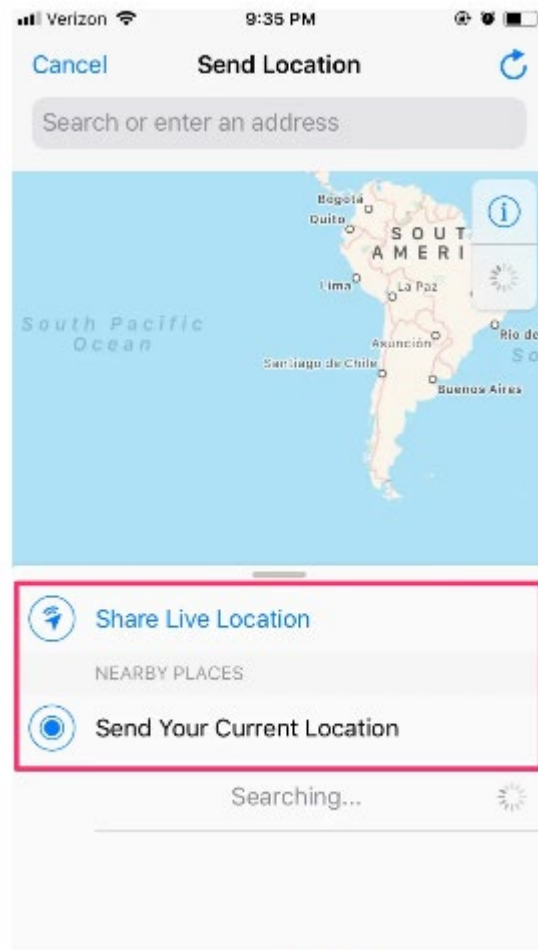


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32. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the

⁶ <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>

exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.



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33. Defendant has had knowledge and notice of the '055 Patent at least as of the filing date of the Complaint.

34. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '055 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by

⁷ <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

others, such as Defendant's customers and end-users, in this District and elsewhere in the United States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '055 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '055 Patent. Defendant performs these affirmative acts with knowledge of the '055 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '055 Patent.

35. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '055 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '055 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '055 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '055

Patent. Defendant performs these affirmative acts with knowledge of the '055 Patent and with intent, or willful blindness, that they cause the direct infringement of the '055 Patent.

36. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '055 Patent in an amount to be proved at trial.

37. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '055 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT II
(Infringement of the '251 Patent)

38. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

39. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '251 Patent.

40. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '251 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '251 Patent including, but not limited to, the Accused Products.

41. Defendant has and continues to directly infringe at least claim 24 of the '251 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

42. Defendant has and continues to indirectly infringe at least claim 24 of the '251 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale,

distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '251 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '251 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce direct infringement of the '251 Patent.

43. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 24 of the '251 Patent in the United States because Defendant's customers use the Accused Products, including at least the WhatsApp Applications and/or services, alone or in conjunction with additional Accused Products, in accordance with Defendant's instructions and thereby directly infringe at least one claim of the '251 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at one or more of the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '251 Patent under 35 U.S.C. § 271(b).

44. The WhatsApp Application directly and indirectly infringes at least claim 24 of the '251 Patent by comprising a system of a first device programmed to perform operations comprising: receiving a message from a second device, wherein the message relates to joining a group; based on receiving the message from the second device, participating in the group, wherein participating in the group includes sending first location information to a server and receiving second location information from the server, the first location information comprising a location of the first device, the second location information comprising a plurality of locations of a respective plurality of second devices included in the group; presenting, via an interactive

display of the first device, a first interactive, georeferenced map and a plurality of user-selectable symbols corresponding to the plurality of second devices, wherein the symbols are positioned on the first georeferenced map at respective positions corresponding to the locations of the second devices, and wherein the first georeferenced map includes data relating positions on the first georeferenced map to spatial coordinates; sending, from the first device to the server, a request for a second georeferenced map different from the first georeferenced map, wherein the request specifies a map location; receiving, from the server, the second georeferenced map, wherein the second georeferenced map includes the requested location and data relating positions on the second georeferenced map to spatial coordinates; presenting, via the interactive display of the first device, the second georeferenced map and the plurality of user-selectable symbols corresponding to the plurality of second devices, wherein the symbols are positioned on the second georeferenced map at respective positions corresponding to the locations of the second devices; and identifying user interaction with the interactive display selecting one or more of the user-selectable symbols corresponding to one or more of the second devices and positioned on the second georeferenced map and user interaction with the display specifying an action and, based thereon, using an Internet Protocol to send data to the one or more second devices via the server, wherein the first device does not have access to respective Internet Protocol addresses of the second devices.

45. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which is controls the SMS messaging functionality of a device on which it is installed.

46. For example, the WhatsApp Application allows users to establish groups, and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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47. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

48. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other user devices, including phone numbers.

49. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another group member to a group via SMS. For example, on

⁸ <https://blog.whatsapp.com/share-your-live-location;>
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

information and belief, group member devices do not have access to other group member devices' IP addresses.

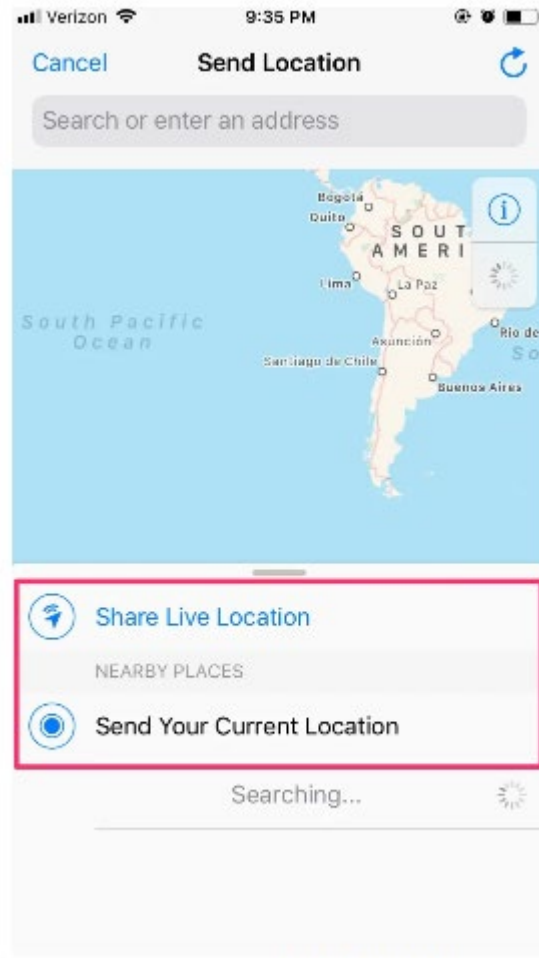
50. For example, the WhatsApp Application is programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.



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51. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

⁹ <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>



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52. Defendant has had knowledge and notice of the '251 Patent at least as of the filing date of the Complaint.

53. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '251 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendant's customers and end-users, in this District and elsewhere in the United States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '251 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling,

¹⁰ <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '251 Patent. Defendant performs these affirmative acts with knowledge of the '251 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '251 Patent.

54. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '251 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '251 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '251 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '251 Patent. Defendant performs these affirmative acts with knowledge of the '251 Patent and with intent, or willful blindness, that they cause the direct infringement of the '251 Patent.

55. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '251 Patent in an amount to be proved at trial.

56. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '251 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT III
(Infringement of the '838 Patent)

57. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

58. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '838 Patent.

59. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '838 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '838 Patent including, but not limited to, the Accused Products.

60. Defendant has and continues to directly infringe at least claim 54 of the '838 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

61. Defendant has and continues to indirectly infringe at least claim 54 of the '838 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '838 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '838 Patent at least

as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce direct infringement of the '838 Patent.

62. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 54 of the '838 Patent in the United States because Defendant's customers use the Accused Products, including at least the WhatsApp applications and/or services, alone or in conjunction with additional Accused Products, in accordance with Defendant's instructions and thereby directly infringe at least one claim of the '838 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at one or more of the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '838 Patent under 35 U.S.C. § 271(b).

63. The WhatsApp Application directly and indirectly infringe at least claim 54 of the '838 Patent by comprising a system of a first device programmed to perform operations comprising: joining a communication network corresponding to a group, wherein joining the communication network comprises transmitting a message including an identifier corresponding to the group; participating in the group, wherein participating in the group includes sending first location information to a first server and receiving second location information from the first server, the first location information comprising a location of the first device, the second location information comprising one or more locations of one or more respective second devices included in the group; presenting, via an interactive display of the first device, a first interactive, georeferenced map and a first set of one or more user-selectable symbols corresponding to a first set of one or more of the second devices, wherein the first set of symbols are positioned on the

first georeferenced map at respective positions corresponding to the locations of the first set of second devices, and wherein first georeferenced map data relate positions on the first georeferenced map to spatial coordinates; sending, to a second server, a request for second georeferenced map data different from the first georeferenced map data; receiving, from the second server, the second georeferenced map data; presenting, via the interactive display of the first device, a second georeferenced map and a second set of one or more user-selectable symbols corresponding to a second set of one or more of the second devices, wherein the second set of symbols are positioned on the second georeferenced map at respective positions corresponding to the locations of the second set of second devices, and wherein the second georeferenced map data relate positions on the second georeferenced map to spatial coordinates; and identifying user interaction with the interactive display selecting one or more of the second set of user-selectable symbols corresponding to one or more of the second devices and positioned on the second georeferenced map and user interaction with the display specifying an action and, based thereon, sending third data to the selected one or more second devices via the first server.

64. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

65. For example, the WhatsApp Application allows users to establish groups, and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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66. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

67. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

68. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another group member to a group via SMS. For example, on information and belief, group member devices do not have access to other family member devices' IP addresses.

¹¹ <https://blog.whatsapp.com/share-your-live-location>;
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

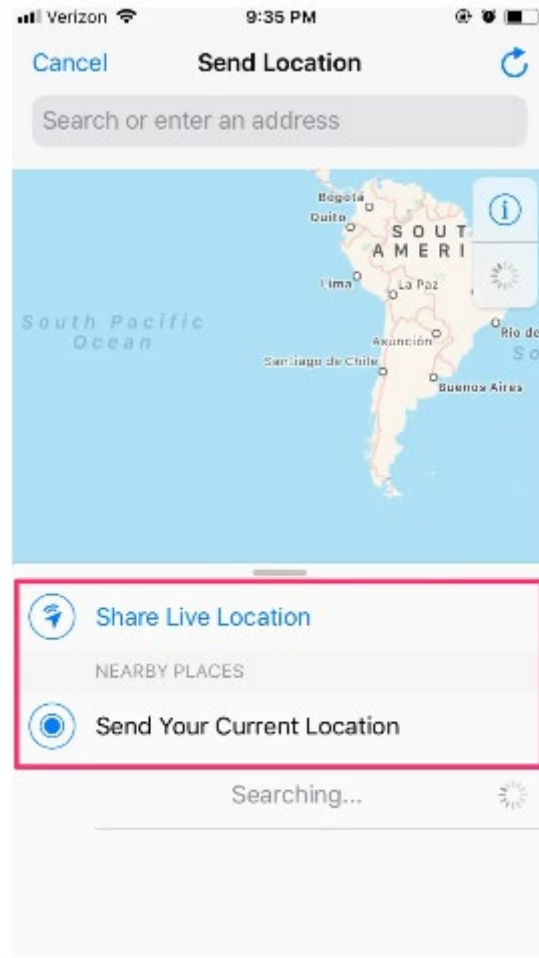
69. For example, the WhatsApp Application, are programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.



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70. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

¹² <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>



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71. Defendant has had knowledge and notice of the '838 Patent at least as of the filing date of the Complaint.

72. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '838 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendant's customers and end-users, in this District and elsewhere in the United States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '838 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling,

¹³ <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '838 Patent. Defendant performs these affirmative acts with knowledge of the '838 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '838 Patent.

73. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '838 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '838 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '838 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '838 Patent. Defendant performs these affirmative acts with knowledge of the '838 Patent and with intent, or willful blindness that they cause the direct infringement of the '838 Patent.

74. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '838 Patent in an amount to be proved at trial.

75. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '838 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT IV
(Infringement of the '829 Patent)

76. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

77. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '829 Patent.

78. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '829 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '829 Patent including, but not limited to, the Accused Products.

79. Defendant has and continues to directly infringe at least claim 68 of the '829 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

80. Defendant has and continues to indirectly infringe at least claim 68 of the '829 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and by instructing users of the Accused Products to perform methods claimed in the '829 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '829 Patent at least

as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce direct infringement of the '829 Patent in violation of 35 U.S.C. § 271(b).

81. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 68 of the '829 Patent in the United States because Defendant's customers use the Accused Products, including at least the WhatsApp applications and/or services, alone or in conjunction with additional Accused Products, in accordance with Defendant's instructions and thereby directly infringe at least one claim of the '838 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at one or more of the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '829 Patent under 35 U.S.C. § 271(b).

82. The WhatsApp application directly and indirectly infringe at least claim 68 of the '829 Patent by comprising a system of a second device programmed to perform operations comprising: receiving, from a first device via a first server, a request to join a group, wherein the group includes the first device; sending, to the first server, an indication of acceptance of the request, wherein the first server is configured to join the first device to the group based on the acceptance of the request, and wherein joining the first device to the group comprises authorizing the first device to repeatedly share device location information and repeatedly engage in remote control operations with each device included in the group; sending a first message to the first server, wherein the first message comprises data identifying the first device and a request for a first updated location of the first device, and wherein the first server is configured to send a

second message to the first device based on and in response to receiving the first message from the second device, wherein the second message comprises a request for the first updated location of the first device; after sending the first message, receiving, from the first server, a response to the first message, the response including first location information comprising the first updated location of the first device; receiving, from a second server, georeferenced map data; presenting, via a display of the second device, a georeferenced map based on the georeferenced map data and a symbol corresponding to the first device, wherein the symbol is positioned on the georeferenced map at a first position corresponding to the first updated location of the first device, and wherein the georeferenced map data relate positions on the georeferenced map to spatial coordinates; after receiving the first location information and the georeferenced map data, and after presenting the georeferenced map and the symbol positioned on the georeferenced map at the first position corresponding to the first updated location of the first device, receiving second location information comprising a second updated location of the first device from the first server, and using the server-provided georeferenced map data and the second location information to reposition the symbol on the georeferenced map at a second position corresponding to the second updated location of the first device; and identifying user interaction with the display specifying an action and, based thereon, sending, to the first server, a third message related to remotely controlling the first device to perform an action, wherein the first server is configured to send a fourth message to the first device based on receiving the third message from the second device, wherein the fourth message relates to remotely controlling the first device to perform the action, and wherein the first device is configured to perform the action based on receiving the fourth message.

83. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

84. For example, the WhatsApp Application allows users to establish groups, and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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85. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

86. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

¹⁴ <https://blog.whatsapp.com/share-your-live-location>;
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

87. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another group member to a group via SMS. For example, on information and belief, group member devices do not have access to other group member devices' IP addresses.

88. For example, the WhatsApp Application is programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.

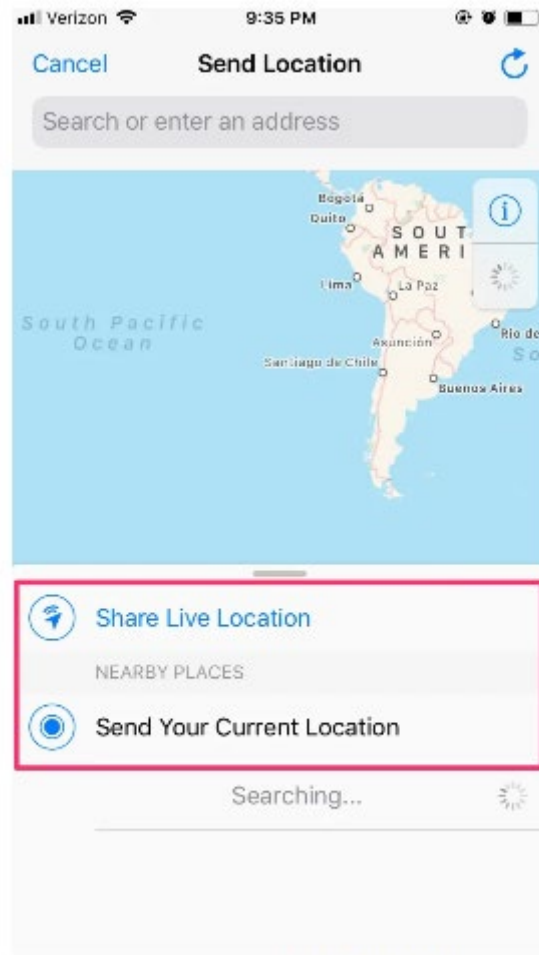


15

89. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that

¹⁵ <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>

interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.



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90. Defendant has had knowledge and notice of the '829 Patent at least as of the filing date of the Complaint.

91. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '829 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendant's customers and end-users, in this District and elsewhere in the United

¹⁶ <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '829 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '829 Patent. Defendant performs these affirmative acts with knowledge of the '829 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '829 Patent.

92. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '829 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '829 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '829 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '829 Patent. Defendant performs these affirmative acts with knowledge of the '829 Patent and with intent, or willful blindness, that they cause the direct infringement of the '829 Patent.

93. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '829 Patent in an amount to be proved at trial.

94. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '829 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT V
(Infringement of the '724 Patent)

95. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

96. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any Accused Products and/or products that embody the inventions of the '724 Patent.

97. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '724 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '724 Patent, including but not limited to, the Accused Products.

98. Defendant has and continues to directly infringe at least claim 9 of the '724 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

99. Defendant has and continues to indirectly infringe at least claim 9 of the '724 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products and

by instructing users of the Accused Products to perform methods claimed in the '724 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '724 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continues to knowingly and intentionally induce direct infringement of the '724 Patent in violation of 35 U.S.C. § 271(b).

100. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 9 of the '724 Patent in the United States because Defendant's customers use the Accused Products, including at least the WhatsApp Application, alone or in conjunction with additional Accused Products (*e.g.* supporting hardware and software), in accordance with Defendant's instructions and thereby directly infringe at least claim 9 of the '724 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at one or more of the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '724 Patent under 35 U.S.C. § 271(b).

101. Defendant directly and/or indirectly infringes by practicing a method for providing a communication network for designated participating users, each user having a similarly equipped cellular phone that includes a CPU, GPS navigational system, an interact message transmitter and receiver and a touch screen display comprising: accessing a database in each cell phone that includes a geographical map of a predetermined area for user viewing on the touch screen display; accessing an application program in each cell phone for generating one or more symbols representative of one or more participating users, each of whom have a similarly

equipped cellular phone; accessing a database in each cell phone that includes cellular telephone numbers of each of the participating users having similarly equipped cellular phones, said database including the generation of one or more symbols associated with a particular participating user; calling a participating user by touching the symbol on the map display and touching a call switch; connecting each of the cell phones to an internet connection; and exchanging IP addresses using SMS or other digital message format between and among each of the network participant users so that communications between participants is established via IP or transmission of a network participant's IP address to a server which then transmits data to other network participants using the IP address previously.

102. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which is controls the SMS messaging functionality of a device on which it is installed.

103. For example, the WhatsApp Application allows users to establish groups, and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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104. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

105. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

106. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another group member to a group via SMS. For example, on information and belief, group member devices do not have access to other family member devices' IP addresses.

¹⁷ <https://blog.whatsapp.com/share-your-live-location>;
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

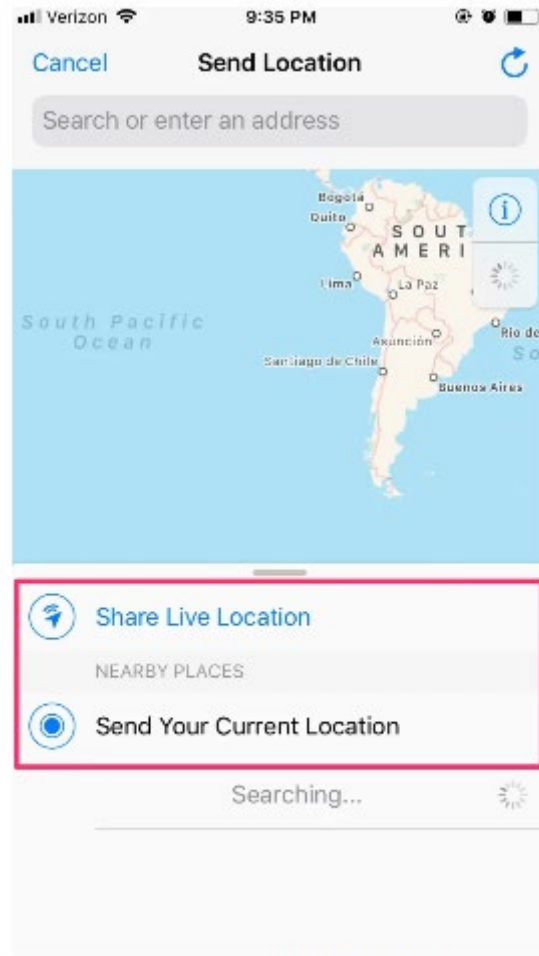
107. For example, the WhatsApp Application is programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.



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108. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

¹⁸ <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>



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109. Defendant has had knowledge and notice of the '724 Patent at least as of the filing date of the Complaint.

110. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '724 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendant's customers and end-users, in this District and elsewhere in the United States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '724 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling,

¹⁹ <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '724 Patent. Defendant performs these affirmative acts with knowledge of the '724 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '724 Patent.

111. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '724 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '724 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '724 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '724 Patent. Defendant performs these affirmative acts with knowledge of the '724 Patent and with intent, or willful blindness, that they cause the direct infringement of the '724 Patent.

112. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '724 Patent in an amount to be proved at trial.

113. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '724 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT VI
(Infringement of the '728 Patent)

114. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth in their entireties.

115. AGIS Software has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '728 Patent.

116. Defendant infringes, contributes to the infringement of, and/or induces infringement of the '728 Patent by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States products and/or methods covered by one or more claims of the '728 Patent, including, but not limited to, the Accused Products.

117. Defendant has and continues to directly infringe at least claim 7 of the '728 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a).

118. Defendant has and continues to indirectly infringe at least claim 7 of the '728 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, distributing, exporting from, and/or importing into the United States the infringing Accused Products and by instructing users of the Accused Products to perform at least the method of claim 7 in the '728 Patent. For example, Defendant, with knowledge that the Accused Products infringe the '728 Patent at least as of the date of this Complaint, actively, knowingly, and

intentionally induced, and continues to actively, knowingly, and intentionally induce, direct infringement of at least claim 7 of the '728 Patent in violation of 35 U.S.C. § 271(b).

119. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 7 of the '728 Patent in the United States because Defendant's customers use such Accused Products, including at least the WhatsApp Application, alone or in conjunction with additional Accused Products (*e.g.* supporting hardware and software), in accordance with Defendant's instructions and thereby directly infringe at least claim 7 of the '728 Patent in violation of 35 U.S.C. § 271. Defendant directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, installations and/or user guides, such as those located at one or more of the following: <https://www.whatsapp.com/features/>; <https://web.whatsapp.com/>; <https://faq.whatsapp.com/android/chats/how-to-use-live-location/?lang=en>. Defendant is thereby liable for infringement of the '728 Patent under 35 U.S.C. § 271(b).

120. Defendant directly infringes and/or indirectly infringes by practicing a method of establishing a cellular phone communication network for designated participants, each having a similarly equipped cellular phone that includes voice communication, free and operator selected text messages, photograph and video, a CPU, a GPS navigation system and a touch screen display comprising the steps of: (a) generating one or more symbols on the touch display screen, each representing a different participant that has a cellular phone that includes said voice communication, free and operator selected text messages, photograph and video, a CPU, said GPS system and a touch screen display; (b) providing and storing in each of the participant cellular phones one or more cellular phone telephone numbers, each cellular phone number of which relates to a different symbol of each of the participants in the communication network;

(c) providing initiating cellular phone calling software in each cellular phone that is activated by touching a symbol on the touch display that automatically initiates a cellular phone call using the stored cellular phone number to the participant represented by the symbol; and (d) generating a geographical location chart on said display screen to show the geographical location of each of the symbols representing the participants in the communication network by latitude and longitude.

121. For example, the WhatsApp Application allows users to share their locations and view other users' locations on a map and to communicate with those users via the application (as shown below) which controls the SMS messaging functionality of a device on which it is installed.

122. For example, the WhatsApp Application allows users to establish groups, and to exchange messages and calls via SMS, and/or via interaction with WhatsApp's servers.



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123. For example, the WhatsApp Application enables users to retrieve map information from multiple sources, including symbols corresponding with other group members.

124. For example, the WhatsApp Application, and devices on which the applications are installed, are programmed to obtain contact information from other users' devices, including phone numbers.

125. For example, the WhatsApp Application is programmed to facilitate the initiation of Internet Protocol (IP) based communication between devices with SMS messages and other text messages, such as by inviting another group member to a group via SMS. For example, on information and belief, group member devices do not have access to other group member devices' IP addresses.

²⁰ <https://blog.whatsapp.com/share-your-live-location>;
<https://www.theverge.com/2017/10/17/16491440/whatsapp-live-location-sharing-encrypted>

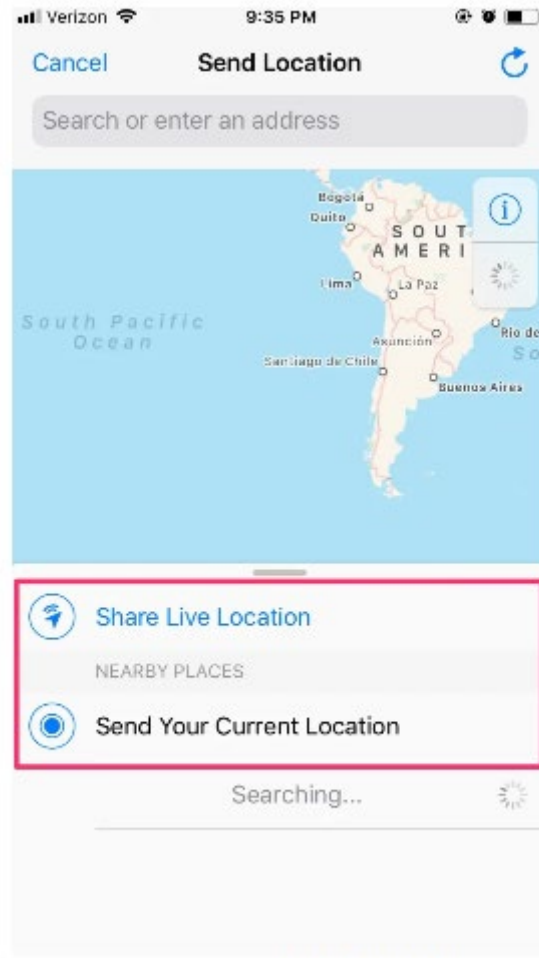
126. For example, the WhatsApp Application is programmed to receive and provide location information presented on a map displayed on a mobile device (or another user's mobile device), the map including a plurality of user-selectable symbols corresponding to other devices, positioned according to the location of those other devices.



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127. For example, the WhatsApp Application is further programmed to permit interaction with the display where a user may select one or more symbols and where the exemplary Accused Products further permit data to be sent to other devices based on that interaction. The exemplary Accused Products are further programmed to permit users to specify additional locations and to communicate those user-specified locations to other users via symbols on an interactive display, as depicted below.

²¹ <https://www.pcmag.com/news/whatsapp-introduces-live-location-tracking-feature>



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128. Defendant has had knowledge and notice of the '728 Patent at least as of the filing date of the Complaint.

129. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '728 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Defendant's customers and end-users, in this District and elsewhere in the United States. For example, Defendant's customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '728 Patent. Defendant induced this direct infringement through its affirmative acts of manufacturing, selling,

²² <https://www.businessinsider.com/how-to-share-location-on-whatsapp>

distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Defendant's inducement, Defendant's customers and end-users use Accused Products in a way Defendant intends and directly infringe the '728 Patent. Defendant performs these affirmative acts with knowledge of the '728 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '728 Patent.

130. Defendant has indirectly infringed and continues to indirectly infringe one or more claims of the '728 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Defendant's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '728 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '728 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Defendant to be especially made or adapted for use in the infringement of the '728 Patent. Defendant performs these affirmative acts with knowledge of the '728 Patent and with intent, or willful blindness, that they cause the direct infringement of the '728 Patent.

131. AGIS Software has suffered damages as a result of Defendant's direct and indirect infringement of the '728 Patent in an amount to be proved at trial.

132. AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '728 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AGIS Software prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;
- b. Entry of judgment declaring that Defendant's infringement of the Patents-in-Suit has been willful and deliberate;
- c. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patents-in-Suit;
- d. An order awarding damages sufficient to compensate AGIS Software for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- e. An order awarding AGIS Software treble damages under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the Patents-in-Suit;
- f. Entry of judgment declaring that this case is exceptional and awarding AGIS Software its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- g. Such other and further relief as the Court deems just and proper.

Dated: January 29, 2021

Respectfully submitted,

/s/ Alfred R. Fabricant

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